

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

BENITO SANTIAGO,

Plaintiff,

v.

Case No: 2:20-cv-1009-FtM-38NPM

FNU GAHRMANN, FNU  
MORALES, FNU  
OSTROMECKI, FNU JEAN-  
PIERRE, FNU MENA, FNU  
MARTIN and JANE DOE,

Defendants.

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**OPINION AND ORDER**<sup>1</sup>

Before the Court is Plaintiff Benito Santiago's Motion to Amend 1983 Complaint and Affidavit of Indigency Form ([Doc. 3](#)). The Motion accompanied a Complaint ([Doc. 1](#)) and an Application to Proceed in District Court without Paying Fees or Costs ([Doc. 2](#)). The Motion makes clear that Santiago intended to file an amended complaint in his earlier filed Case No. 2:20-cv-938-SPC-MRM. He did not intend to file a new case. Defendants in the earlier case have not been served, so the Court grants the Motion. Because this case was

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

opened in error, the Court dismisses it. Santiago may continue to pursue his claims in Case No. 2:20-cv-938-SPC-MRM. All future filings must include the case number.

Accordingly, it is now

**ORDERED:**

Plaintiff Benito Santiago's Motion to Amend 1983 Complaint and Affidavit of Indigency Form ([Doc. 3](#)) is **GRANTED**.

1. The Clerk is **DIRECTED** to docket the Complaint ([Doc. 1](#)) and the Application ([Doc. 2](#)) as amended filings in Case No. 2:20-cv-938-SPC-MRM.
2. This case is **DISMISSED without prejudice**.
3. The Clerk is **DIRECTED** to enter judgment, terminate all pending motions and deadlines, and close this case.

**DONE and ORDERED** in Fort Myers, Florida on January 5, 2021.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record